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*Counsel for Class Representative Steven Ganz
And Indirect Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-cv-5944 JST

MDL No. 1917

This Document Relates to:
All Indirect-Purchaser Actions

**SECOND DECLARATION OF JOHN D.
BOGDANOV IN SUPPORT OF COOPER
& KIRKHAM, P.C.'S OBJECTION TO
LEAD COUNSEL'S REVISED
PROPOSED ALLOCATION OF
AGGREGATE FEE AWARD TO
INDIRECT PURCHASER PLAINTIFFS'
COUNSEL**

Judge: Honorable Jon S. Tigar

Before: Special Master Martin Quinn

1 I, John D. Bogdanov, declare as follows:

2 1. I am a member in good standing of the State Bar of California. I am a partner in
3 Cooper & Kirkham, P.C. I have personal knowledge of the facts stated in this Declaration and, if
4 called as a witness, I could and would testify competently to them. I make this Declaration in
5 support of the Objection of Cooper & Kirkham, P.C. to Lead Counsel's Revised Proposed
6 Allocation of Aggregate Fee Award to Indirect Purchaser Plaintiffs' Counsel.

7 2. I incorporate by reference as if fully set forth herein, the description of my work in
8 this case from the Declaration of Josef D. Cooper in Support of Plaintiffs' Application for
9 Attorneys' Fees, Expenses and Incentive Awards (Dkt. 4073-6).

10 3. Not one minute of my time submitted to Lead Counsel in this matter was
11 questioned or cut.

12 4. I never received any communication from Lead Counsel questioning or criticizing
13 the quality of my work, or informing me that my hours or work assignments were being reduced
14 because of the poor quality of my work.

15 5. I never declined to take a series of depositions, nor did I ever decline to take any
16 particular deposition.

17 6. I never received any communication from Lead Counsel questioning why I had
18 declined to take depositions, or reprimanding me for declining to take either a series of
19 depositions, or declining to take any particular deposition.

20 7. I never received any communication from Lead Counsel that my hours or work
21 assignments were being reduced because I declined to take one or more depositions.

22 8. Attached as Exhibits to this Declaration are redacted emails or email strings which
23 I sent or received in the ordinary course of business. Information which has been redacted is not
24 being relied upon for this Objection, but rather is redacted to protect confidential attorney work
25 product or limit the introduction of superfluous matters into the record.

26 9. On June 21, 2012, I was informed that Judith Zahid was going to take the Philips
27 30(b)(6) deposition. Attached hereto as Exhibit A is a true and correct copy of a partially redacted
28

1 email from Lauren Capurro to Judith Zahid and me dated June 21, 2012 which I received in the
2 ordinary course of business. I was never requested by Lead Counsel to take the Philips 30(b)(6)
3 deposition.

4 10. As of June 21, 2012, no deposition date had been set for the Philips 30(b)(6)
5 deposition. Attached hereto as Exhibit B is a true and correct copy of a partially redacted email
6 string dated on or about July 16, 2012 sent and received by me in the ordinary course of business.

7 11. The Philips 30(b)(6) deposition took place in Washington, D.C., on July 31-August
8 1, 2012. Sometime prior to the Philips 30(b)(6) deposition while I was assisting Ms. Zahid with
9 her preparation, Ms. Capurro informed us that she would be unable to appear at the deposition as
10 second-chair. I appeared at the deposition as second-chair in her place.

11 12. On April 9, 2013, I was informed that Mario Alioto had selected Diane Pritchard to
12 take the merits depositions for both Philips and LGE. Attached as Exhibit C is a true and correct
13 copy of a partially redacted email string dated on or about April 9, 2013 sent and received by me
14 in the ordinary course of business. I was never asked to take any merits depositions for either
15 Philips or LGE.

16 13. Ms. Pritchard appeared at two LGE depositions in July 2013 – Pil Jae Lee and Jin
17 Kang Jung. Attached as Exhibit D is a true and correct copy of an excerpt of the transcript of the
18 Deposition of Pil Jae Lee, Vol. 1, dated July 16, 2013. Attached as Exhibit E is a true and correct
19 copy of an excerpt of the transcript of the Deposition of Jin Kang Jung, Vol. 1, dated July 19,
20 2013.

21 14. The first Philips merits deposition did not take place until December 12-13, 2013 in
22 Newcastle, England, at which I appeared as second-chair.

23 15. I appeared at all of the Philips merits depositions (and one LGE deposition) as
24 second-chair, except the deposition of Jan de Lombaerde.

25 16. As Philips Team Leader, my responsibilities were not limited to a Philips
26 “universe.” This matter is a conspiracy case. Thus, I spent a great deal of time culling
27 information and developing an independent knowledge base pertaining to defendant groups other
28

1 than Philips and LPD where such information was likely to be found, including other defendants'
2 document productions, custodian lists, foreign language documents, deposition transcripts,
3 briefing, and directly from colleagues, in order to benefit the prosecution of Philips/LPD, as well
4 as the overall IPP effort. I reciprocated whenever I could such that my work product generated
5 while prosecuting Philips/LPD benefited the prosecution of the other defendant groups in this
6 action.

7 17. I believe that my aptitude in coordinating both the facts of the case and my history
8 of positive interaction with colleagues from other defendant groups was a key factor in being
9 selected to work on trial preparation. This work began when I was selected by Lead Counsel as
10 one of six attorneys from the entire case entrusted with working together to develop a list of
11 potential trial exhibits to be sent to the defendants for stipulated authentication in July 2014, and
12 continued forward in various iterations throughout the year. *See, e.g.*, Dkt. 4821-2, Ex. 25, 27, 28,
13 29, 33, 34, 38, 41.

14 18. This broad-based knowledge was not only crucial to effective deposition
15 preparation strategy and execution, but was particularly beneficial during the depositions to which
16 I was assigned to appear as second-chair. Along with Ms. Pritchard, I worked closely with the
17 deposition examiners from the Direct Action Plaintiffs and California Attorney General during the
18 depositions to maximize IPPs interests, including steering questioning during the examination. In
19 addition, I participated in prep sessions both before and during the deposition with Ms. Pritchard,
20 Direct Action Plaintiffs, and the California Attorney General, assisting as a ready reference for all
21 parties, to the benefit of IPPs.

22 19. In sum, I performed the penultimate evidence management functions for Philips
23 deposition preparation and at the depositions at which I appeared. I was the final gatekeeper over
24 the universe of documents from which deposition exhibits would eventually be selected for
25 introduction at the deposition, including the responsibility for procuring foreign language
26 documents from the foreign language team, as well as generating and otherwise acting as trustee
27 of the exhibits themselves.
28

1 20. During my experience working on this case and in other antitrust actions, I have
2 found that each defendant and defense firm has a unique culture. In *CRT*, Baker Botts, counsel for
3 Philips, put up a formidable defense of their client in terms of their tenacity to thwart IPPs' efforts.
4 Though this is to be expected in complex litigation such as this, Baker Botts was particularly
5 challenging – so much so, that on January 13, 2014, Ms. Capurro indicated in an email that she did
6 not want to do Baker Botts “any favors since *they have been very uncooperative in every aspect of*
7 *this case to date*, not least in scheduling these depositions.” (Emphasis added.) Attached as
8 Exhibit F is a true and correct copy of a partially redacted email dated January 13, 2014 received
9 in the ordinary course of business. *See also* Dkt. 4821-2, Ex. 19 (noting “Philips’ recalcitrance
10 during our custodian negotiations and that fact that we obviously couldn’t trust their
11 representations”).

12 21. On April 5, 2013, I attended a preliminary approval hearing for settlements with
13 Chunghwa and Philips in *The State of California, et al. v. Chunghwa Picture Tubes, et al.*, San
14 Francisco Superior Court Case No. CGC-11-515786 (“*California v. Chunghwa*”) at which Judith
15 Zahid of Zelle Hoffman and I discussed Philips issues with Kathleen Foote, Senior Assistant
16 Attorney General of California. After the hearing, I suggested to Ms. Zahid that members of her
17 firm and my firm could get together in the following week or so to utilize a window of opportunity
18 for a potential settlement with Philips. I never attended such a meeting and am not aware that one
19 took place.

20 22. On April 29, 2013, I attended the IPP class certification hearing before Special
21 Master Quinn at JAMS. Immediately after the hearing, I recall having a short conversation with
22 Craig Corbitt of Zelle. On April 30, 2013, Mr. Corbitt wrote an email confirming that there was a
23 meet and confer with the California Attorney General regarding the notice of the Philips
24 settlement in California Superior Court. Mr. Corbitt then noted out of the blue that Ms. Capurro
25 did not agree with me that we have no good evidence against Philips.

26 23. It was never my position that we had no good evidence against Philips, and I am
27 not certain why Mr. Corbitt characterized my opinion in that manner.
28

1 24. In order to correct Mr. Corbitt's misunderstanding of my viewpoint, I wrote the
2 April 30, 2013 email referenced in the Alioto Declaration (Dkt. 4853-1), ¶24, and sent it to Mr.
3 Corbitt. I did not forward my email to anyone. Mr. Corbitt forwarded my email to Lead Counsel
4 and Ms. Capurro responded. Mr. Corbitt never advised me that he was going to send my email to
5 Lead Counsel.

6 25. My firm has served and continues to serve with Zelle in *In re Automobile Antitrust*
7 *Cases I & II*, J.C.C.P. Nos. 4298, 4303 (San Francisco Sup. Ct.) where a similar issue existed
8 concerning imputed liability. My April 30, 2013 email was merely a snapshot of one of the issues
9 concerning evidence regarding Philips which was intended to be consumed by an insular group of
10 recipients specifically familiar with the facts of *Automobile Antitrust Cases* regarding the Nissan
11 defendants. It was not intended to be a full assessment of either all of the evidence, or all potential
12 issues regarding Philips' liability in *CRT*. Attached as Exhibit G is the true and correct copy of the
13 partially redacted email string dated on or about May 2, 2013 sent and received by me in the
14 ordinary course of business.

15 26. I billed 11.9 total hours in the *CRT* Time and Lodestar Summary "Settlement"
16 category during the duration of the case. I never formulated a settlement demand on Philips, nor
17 advocated for any specific settlement amount for Philips to anyone.

18 27. On August 29, 2013, Lead Counsel contacted me and requested that our client
19 Steven Ganz, one of the California class representatives, object to the settlement in *The State of*
20 *California, et al. v. Chunghwa Picture Tubes, et al.*, San Francisco Superior Court Case No. CGC-
21 11-515786. This required that Mr. Ganz sign and that I mail an original objection form by
22 September 6, 2013. On September 3, 2013, Sylvie Kern requested an update from me on the
23 status of obtaining Mr. Ganz's signature on the objection form and that Mr. Ganz mail it right
24 away. On September 4, around noon, Ms. Capurro emailed that she was "sorry to be changing
25 things up at the last minute" but Lead Counsel instead wanted Mr. Ganz to opt out of the
26 settlement on behalf of himself and California class members, rather than object. *See* Dkt. 4821-2,
27 Ex. 18. Mr. Ganz was requested to review, complete, sign and return an original of the opt-out by
28

1 September 6. I advised Lead Counsel that beginning at sundown on September 5 it was Rosh
2 Hashanah, which could effect the logistics of getting Mr. Ganz's signature. Nevertheless, Mr.
3 Ganz was willing to meet me late in the afternoon on September 5, sign the form, and I was able
4 to messenger the document Ms. Capurro that day.

5 28. On June 9, 2015, I emailed a copy of IPPs' Motion for Preliminary Approval of the
6 Settlements with Philips, Panasonic, Hitachi, Toshiba and Samsung SDI Defendants (Dkt. 3861)
7 to Steven Ganz pursuant to Lead Counsel's request. There is nothing in this document describing
8 the plan of distribution pursuant to the Chunghwa Settlement. Attached as Exhibit H is a true and
9 correct copy of the partially redacted email dated June 9, 2015 sent in the ordinary course of
10 business. At that time, I was not aware that the settlement class set forth in the Chunghwa
11 settlement included resellers.

12 29. By 2014, Philips depositions were in full swing and my focus was either appearing
13 at depositions as second-chair, preparing for depositions that were already set, preparing for
14 depositions that were to take in the near future, or seeking out other potential deponents. That is
15 in addition to other smaller projects that came up without notice. I understand that Brian
16 Umpierre, who was co-team leader for Philips after October 2013, worked on supporting the
17 project related to adding the Philips Taiwan and Brazil entities into the case. Though I was not
18 asked by Lead Counsel to participate in this briefing, I had already provided work product in
19 support of the effort and provided further information where needed. Attached as Exhibit I is a
20 true and correct partially redacted email string dated February 26, 2014 received in the ordinary
21 course of business.

22 30. At the end of 2014, responsibility for briefing summary judgment motions was
23 divided up between IPPs and the DAPs. There were two related Philips summary judgment
24 motions with which I was involved; IPPs responded to these in one omnibus document. Dell took
25 ultimate control of the briefing and filed the Philips opposition. I did contribute to evidentiary
26 citations for the opposition, which are crucial to overcome any motion for summary judgment, and
27 helped edit the statement of facts. I was not asked to brief other summary judgment oppositions.
28

1 But I was asked to continue helping to finalize IPPs trial exhibit list and deposition designations,
2 which did not allow me to participate more fully. *See* Dkt. 4821-2, Ex. 39.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd
4 day of September, 2016, in San Francisco, California.

5
6 /s/ John D. Bogdanov
7 John D. Bogdanov
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EXHIBIT A

John Bogdanov

From: Lauren Russell <LaurenRussell@tatp.com>
Sent: Thursday, June 21, 2012 1:25 PM
To: John Bogdanov; Judith Zahid
Cc: lauren russell@tatp.com
Subject: CRT/Philips 30b6

Follow Up Flag: Follow up
Flag Status: Flagged

Hi John,

Judith has very kindly agreed to help us with the Philips 30b6. She will first chair the deposition for the indirects and I will second chair (I don't think the directs can ask questions due to their settlement with Philips). Can you please send Judith all of the info on the Philips 30b6, e.g. our most recent letter and pared down list of topics, the Philips letter objecting to the topics and the April agreement on finished product custodians [REDACTED]. She will also need the list of specific questions from ApplEcon, and you should start sending her the documents you and the team are finding so she can start reviewing those now.

[REDACTED]

Best,

Lauren

Lauren C. Russell
Attorney at Law
Trump, Alioto, Trump & Prescott, LLP
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San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
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EXHIBIT B

John Bogdanov

From: Lauren Russell <LaurenRussell@tatp.com>
Sent: Monday, July 16, 2012 6:08 PM
To: John Bogdanov
Cc: 'Judith Zahid'; Mario N. Alioto; lauren russell@tatp.com
Subject: RE: CRT - Philips

Hi John,

[REDACTED]

[REDACTED]

Also, did you agree to a date/location for the deposition?

Best,

Lauren

p.s. we need to get the potential depo exhibits together and, if necessary, send stuff off for translation ASAP.

From: John Bogdanov [mailto:jdb@coopkirk.com]
Sent: Monday, July 16, 2012 10:09 AM
To: LaurenRussell@tatp.com
Cc: Judith Zahid (JZahid@zelle.com)
Subject: RE: CRT - Philips

Hi Lauren,

As I mentioned last week, it looks like we are very close to agreeing on topics with Philips and otherwise agreed to go forward during the week of 7/30 beginning any day except that Monday. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: eric.berman@bakerbotts.com [<mailto:eric.berman@bakerbotts.com>]

Sent: Thursday, July 12, 2012 12:12 PM

To: John Bogdanov; john.taladay@bakerbotts.com

Cc: david.emanuelson@bakerbotts.com; charles.malaise@bakerbotts.com; Liz.Brady@myfloridalegal.com; Nicholas.Weilhammer@myfloridalegal.com; LaurenRussell@tatp.com

Subject: RE: CRT - Philips

[REDACTED]

[REDACTED]

[REDACTED]

From: John Bogdanov [<mailto:jdb@coopkirk.com>]

Sent: Wednesday, July 11, 2012 2:54 PM

To: Taladay, John

Cc: Berman, Eric; Emanuelson, David; Malaise, Charles; Liz.Brady@myfloridalegal.com; Nicholas.Weilhammer@myfloridalegal.com; LaurenRussell@tatp.com

Subject: RE: CRT - Philips

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: john.taladay@bakerbotts.com [mailto:john.taladay@bakerbotts.com]

Sent: Wednesday, July 11, 2012 10:54 AM

To: John Bogdanov

Cc: eric.berman@bakerbotts.com; david.emanuelson@bakerbotts.com; charles.malaise@bakerbotts.com; Liz.Brady@myfloridalegal.com; Nicholas.Weilhammer@myfloridalegal.com; LaurenRussell@tatp.com

Subject: RE: CRT - Philips

[REDACTED]

From: John Bogdanov [mailto:jdb@coopkirk.com]

Sent: Wednesday, July 11, 2012 1:29 PM

To: Taladay, John

Cc: Berman, Eric; Emanuelson, David; Malaise, Charles; Liz.Brady@myfloridalegal.com; Nicholas.Weilhammer@myfloridalegal.com; LaurenRussell@tatp.com

Subject: CRT - Philips

[REDACTED]

[REDACTED]

John D. Bogdanov
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EXHIBIT C

John Bogdanov

From: Lauren Capurro (Russell) <LaurenRussell@tatp.com>
Sent: Tuesday, April 09, 2013 4:58 PM
To: John Bogdanov
Cc: ncihlar@strauss-boies.com
Subject: RE: CRT/Deposition Preparation Coding Manual + Team Status
Attachments: Shinichi Iwamoto Background Memo 10.10.12.doc; Ki Song Cho Background Memo_11022012 Update.doc; KS Cho_Master.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi John,

[REDACTED]

[REDACTED]

[REDACTED]

In addition, Mario has found someone to take the Philips and LGE depositions for IPPs. Her name is Diane Pritchard—she is a very senior attorney with over 30 years' experience, and is an accomplished trial lawyer. I will send an email shortly introducing you & Brian to Diane and asking you to send her your discovery materials/memos – much the same way as we did with the DAPs. Although I'm not sure that Diane will want/need all of the meet and confer correspondence etc. I will ask her first. Once Diane is up to speed, we can get her input on who to depose etc.

Talk to you tomorrow.

Best,

Lauren

Lauren C. Capurro (Russell)
Attorney at Law
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E-mail: lauren russell@tatp.com

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From: John Bogdanov [mailto:jdb@coopkirk.com]
Sent: Monday, April 08, 2013 1:37 PM
To: Lauren Capurro (Russell)
Subject: RE: CRT/Deposition Preparation Coding Manual + Team Status

Lauren,

Here is the memo. [REDACTED]

Thanks,
John

From: Lauren Capurro (Russell) [mailto:LaurenRussell@tntp.com]
Sent: Monday, April 08, 2013 12:28 PM
To: John Bogdanov
Subject: RE: CRT/Deposition Preparation Coding Manual + Team Status

Hi John,

Can you please re-send me your memo on the potential Philips deponents? I've got some reviewers for you. [REDACTED]

Lauren

Lauren C. Capurro (Russell)
Attorney at Law
Trump, Alioto, Trump & Prescott, LLP
2280 Union Street
San Francisco, CA 94123
Tel: (415) 563-7200
Fax: (415) 346-0679
E-mail: lauren russell@tntp.com

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From: John Bogdanov [mailto:jdb@coopkirk.com]
Sent: Monday, April 01, 2013 4:56 PM

To: Lauren Capurro (Russell)

Subject: RE: CRT/Deposition Preparation Coding Manual + Team Status

From: Lauren Capurro (Russell) [<mailto:LaurenRussell@tntp.com>]

Sent: Monday, April 01, 2013 2:46 PM

To: John Bogdanov

Subject: FW: CRT/Deposition Preparation Coding Manual + Team Status

Hi John – please see the message below. I forgot to update my doc review team leader service list to include you. Have you been assigned any reviewers to work with you on Philips dep prep? Thanks.

Lauren

Lauren C. Capurro (Russell)

Attorney at Law

Trump, Alioto, Trump & Prescott, LLP

2280 Union Street

San Francisco, CA 94123

Tel: (415) 563-7200

Fax: (415) 346-0679

E-mail: lauren russell@tntp.com

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From: Lauren Capurro (Russell) [<mailto:LaurenRussell@tntp.com>]

Sent: Monday, April 01, 2013 2:36 PM

To: akikuchi@kmlp.com; Bob Gralewski; Brian Cullen (bwc@classcounsel.com); Brian S. Umpierre; dbirkhaeuser@bramsonplutzik.com; Ike Diel; Jennie Lee Anderson; Jennifer Rosenberg; Jessica Moy (jessica.moy@andrusanderson.com); Liz McKenna; Natalie Kabasakalian; ncihlar@strauss-boies.com; Shinae Kim-Helms (Skimhelms@strauss-boies.com); Sylvie Kern (sylviekern@yahoo.com); Thomas Palumbo (tpalumbo@strauss-boies.com)

Subject: CRT/Deposition Preparation Coding Manual + Team Status

Hi Everyone,

Attached please find an updated coding manual. It has been revised for the deposition preparation coding that our teams are currently working on.

As you know, we are working to integrate the DAPs into our doc review. To that end, I'm reviewing our doc review teams and deciding where best to use the DAP reviewers. Can you please send me the names of your T1 reviewers so I can update my records and what your team is currently working on? And please include a candid description of each T1 reviewer's work, i.e., are they putting in enough time + getting through their assigned batches in good time, how is the quality of their work product, anything else of relevance. Thanks.

Lauren

Lauren C. Capurro (Russell)
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EXHIBIT D

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Page 1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4
5

6 IN RE: CATHODE RAY TUBE
7 (CRT) ANTITRUST LITIGATION No. 3:07-CV-05944
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-- HIGHLY CONFIDENTIAL --

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15 Videotaped deposition of PIL JAE LEE, VOLUME 1,
16 taken at the Hilton Los Cabos Beach & Golf Resort,
17 Transpeninsular Highway, 23447 Cabo San Lucas, Baja
18 California Sur, Mexico commencing at 9:01 A.M.,
19 on Tuesday, July 16, 2013, before Leslie Rockwood,
20 RPR, CSR No. 3462.
21
22
23
24
25

HIGHLY CONFIDENTIAL

Page 2

1 APPEARANCES OF COUNSEL:

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3 FOR BEST BUY:

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15 San Diego, California 92101

16 (619) 398-4340

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Page 4

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9 Atlanta, Georgia 30309-3424

10 (404) 881-4649 (Ms. Whitehead)

11 (404) 881-7948 (Mr. Kent)

12 melissa.whitehead@alston.com

13 matthew.kent@alston.com

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7 Yeongdeungpo-gu, Seoul 150-721, Korea

8 +82-2-3777-3206 (Mr. Kim)

9 eric11.kim@lge.com

10

11 The Interpreter: Phyllis Kim (Korean)

12 The Check Interpreter: Nicole Lee (Korean)

13

14 Also Present:

15 Robert Velasco, CLVS, Videographer

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1 STATE OF CALIFORNIA) ss:

2 COUNTY OF MARIN)

3

4 I, LESLIE ROCKWOOD, CSR NO. 3452, do hereby
5 certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set forth
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all objections
10 made by counsel at the time of the examination were
11 recorded stenographically by me, and were thereafter
12 transcribed under my direction and supervision, and that
13 the foregoing pages contain a full, true and accurate
14 record of all proceedings and testimony to the best of my
15 skill and ability.

16 I further certify that I am neither counsel for
17 any party to said action, nor am I related to any party
18 to said action, nor am I in any way interested in the
19 outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name
21 this 25th day of July, 2013.

22

23

24

25

LESLIE ROCKWOOD, RPR, CSR NO. 3462

EXHIBIT E

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE
(CRT) ANTITRUST LITIGATION No. 3:07-CV-05944-SC

_____/

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Videotaped deposition of JIN KANG JUNG, VOLUME 1,
taken at the Hilton Los Cabos Beach & Golf Resort,
Transpeninsular Highway, 23447 Cabo San Lucas, Baja
California Sur, Mexico commencing at 8:58 a.m.,
on Friday, July 19, 2013, before Leslie Rockwood,
RPR, CSR No. 3462.

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6 BY: MELISSA MAHURIN WHITEHEAD, ESQ.

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11 (404) 881-4649 (Ms. Whitehead)

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13 melissa.whitehead@alston.com

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15 FOR BEST BUY:

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20 hojoon.hwang@mto.com

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1 APPEARANCES OF COUNSEL (Continued):

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3 FOR LG ELECTRONICS:

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11 The Interpreter and Check Interpreter:

12 Phyllis Kim (Korean)

13 The Check Interpreter and Interpreter:

14 Nicole Lee (Korean)

15

16 Also Present:

17 Robert Velasco, CLVS, Videographer

18

19 ---oOo---

20

21

22

23

24

25

1 STATE OF CALIFORNIA) ss:

2 COUNTY OF MARIN)

3
4 I, LESLIE ROCKWOOD, CSR NO. 3452, do hereby
5 certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set forth
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all objections
10 made by counsel at the time of the examination were
11 recorded stenographically by me, and were thereafter
12 transcribed under my direction and supervision, and that
13 the foregoing pages contain a full, true and accurate
14 record of all proceedings and testimony to the best of my
15 skill and ability.

16 I further certify that I am neither counsel for
17 any party to said action, nor am I related to any party
18 to said action, nor am I in any way interested in the
19 outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name
21 this 30th day of July, 2013.

22
23
24
25 LESLIE ROCKWOOD, RPR, CSR NO. 3462

EXHIBIT F

John Bogdanov

From: Lauren Capurro (Russell) <LaurenRussell@tatp.com>
Sent: Monday, January 13, 2014 11:05 AM
To: Diane Pritchard; John Bogdanov; Bernstein, Debra; Kent, Matthew; 'Blaise Warren'; Jonathan J. Ross; Melissa.Whitehead@alston.com
Cc: malioto@tatp.com
Subject: CRT/Philips depositions
Importance: High

Hi Everyone,

I just spoke with Erik Koons. He proposed March 4-5th for Joe Killen and either March 13-14th or 20-21st for Bob O'Brien. Apparently it's not possible to have these depositions scheduled closer together so that we don't have to travel to DC twice in a couple of weeks. And O'Brien is not available the week of March 24th to coordinate with the Spring Meeting.

Erik was not able to give me alternative dates for Johnson yet.

[REDACTED]

Personally, I don't feel like doing Baker Botts any favors since they have been very uncooperative in every aspect of this case to date, not least in scheduling these depositions. On the other hand, there's no point in making this an issue if the people taking the deposition don't mind either way.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Lauren

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EXHIBIT G

John Bogdanov

From: Lauren Capurro (Russell) <LaurenRussell@tatp.com>
Sent: Thursday, May 02, 2013 9:52 AM
To: 'Craig C. Corbitt'; 'Mario N. Alioto'
Cc: John Bogdanov; 'Judith Zahid'; 'Joe Patane'
Subject: RE: CRT
Attachments: [REDACTED]
[REDACTED]

Follow Up Flag: Follow up
Flag Status: Flagged

Craig & John,

Sorry for the delayed response—we had a hearing in front of Legge yesterday that I had to prepare for.

John – thank you for clarifying your thinking on Philips. I agree with you that there is no issue with the quality of the evidence against Philips. For Craig, Judith & Mario’s benefit, I’ve attached [REDACTED]

[REDACTED]

And while I agree with you that we don’t have a lot of evidence on holding Philips liable for LPD’s conduct, we do have some: [REDACTED]

[REDACTED]

[REDACTED] There are also emails (which I can’t seem to find right now), which show that [REDACTED] And I think the fact that the EU held Philips and LGE liable for LPD’s conduct is just as significant, if not more so, than the fact that the Korean FTC did the opposite.

But even if [REDACTED] I disagree that this is a big problem. Philips must show that it affirmatively withdrew from the conspiracy AND that the statute of limitations has run in order to have a complete defense for its participation in the conspiracy prior to July 2001. *See Morton’s Market, Inc. v. Gustafson’s Dairy, Inc.*, 198 F.3d 823, 837 (11th Cir. 1999). Fraudulent concealment tolls the statute of limitations. *See Morton’s Market, Inc. v. Gustafson’s Dairy, Inc.*, 211 F.3d 1224 (11th Cir. 2000). [REDACTED]

[REDACTED]

[REDACTED] Ultimately, whether Philips withdrew and whether there was fraudulent concealment sufficient to hold Philips liable for its conduct prior to July 2001, will be a question of fact that

will have to go to the jury. There is no way that Philips could get out on summary judgment. So assuming we win class certification, Philips is in this case for the long haul.

Finally, I've attached 

I hope this is helpful in informing the discussion on Philips and their settlement proposal. I think you can probably tell from this email how I feel about it. Having said that, I remain open to being persuaded otherwise.

Best,

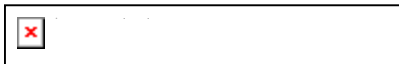
Lauren

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From: Craig C. Corbitt [<mailto:CCorbitt@zelle.com>]
Sent: Tuesday, April 30, 2013 3:19 PM
To: Mario N. Alioto; Lauren C. Russell (lauren russell@tstp.com)
Cc: John Bogdanov (jdb@coopkirk.com); Judith Zahid
Subject: FW: CRT

Thanks John, I'm taking the liberty of forwarding this to Mario and Lauren for comment. Craig



Craig Corbitt
Attorney at Law

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From: John Bogdanov [<mailto:jdb@coopkirk.com>]
Sent: Tuesday, April 30, 2013 9:38 AM

To: Craig C. Corbitt; Judith Zahid
Cc: Francis O. Scarpulla; Josef Cooper
Subject: RE: CRT

I thought it would be useful to summarize my view of the evidence against Philips. I don't view this as a question of the quality of the evidence. Rather, I view the issue, given Philips' corporate structure and history regarding the CRT business, more as relating to the timing of the conspiracy evidence and which corporate entity can be held responsible.

There is substantial evidence of [REDACTED]

However, the issue as I see it is imputed liability to Philips after July 2001. At that time, Philips and LG transferred their entire CRT business to the joint venture. LPD is now bankrupt, and our problem is holding Philips responsible for LPD's share of the tab. Yes, [REDACTED], but can we use any of this evidence to prove additional damages as to Philips and LG? LG and Philips were the only two shareholders of LPD. [REDACTED]

But given all of that, only one governmental body has imputed the liability for LPD's post-July 2001 conspiratorial actions to Philips and LG – the EU. The Korean Fair Trade Commission specifically held that "neither [LGE or Philips] has directly or indirectly dominated or participated in the decision making process related to the pricing and production volume of LPD. On top of that, the statute of limitations for the actions prior to July 1, 2001 has expired. As a result, [LGE and Philips] have been excluded from the defendant list."

Given my experience with Nissan evidence in Cars, we were faced with a similar situation and the corporate form did indeed win the day for Nissan (though there was far less [REDACTED])

To get over this burden and avoid a similar result, we would need to develop more specific evidence [REDACTED] Perhaps we can put the pieces together and maybe a judge would ultimately buy it.

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EXHIBIT H

John Bogdanov

From: John Bogdanov
Sent: Tuesday, June 09, 2015 3:30 PM
To: Steven Ganz <ganztick@yahoo.com> (ganztick@yahoo.com)
Subject: CRT - PRIVILEGED AND CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION
Attachments: 3861 - IPP Motion for Preliminary Approval - 5-29-15.pdf

Steve,

Attached is a document which was recently filed on behalf of the indirect purchaser plaintiffs in the CRT Antitrust Litigation. It is a motion asking the court to preliminarily approve settlements with the remaining defendants in the action. The total amount from all defendants is \$563 million. [REDACTED]

[REDACTED]

Thanks,
John

John D. Bogdanov
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EXHIBIT I

John Bogdanov

From: Lauren Capurro (Russell) <LaurenRussell@tatp.com>
Sent: Wednesday, February 26, 2014 1:51 PM
To: 'Brian S. Umpierre'
Cc: 'Sylvie Kern'; John Bogdanov
Subject: RE: CRT/Philips jurisdictional discovery
Attachments: Philips MTD.pdf; Philips da Amazonia Decl ISO MTD [unsigned].pdf; Lin Decl ISO Philips Taiwan MTD.pdf; Order Vacating Briefing on Philips & Samtel Mtns.pdf; Letter J. Legge 7.9.09.pdf; Order Vacating Briefing on Philips & Samtel Mtns.pdf

Great! Thanks, Brian. Here are all the relevant papers.

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From: Brian S. Umpierre [<mailto:b.umpierre@gmail.com>]
Sent: Wednesday, February 26, 2014 1:37 PM
To: Lauren Capurro (Russell)
Cc: Sylvie Kern; John D. Bogdanov
Subject: Re: CRT/Philips jurisdictional discovery

Hi, Lauren.

Absolutely. Can you please send me a copy of their motion?

Thanks.
Brian

On Wed, Feb 26, 2014 at 1:17 PM, Lauren Capurro (Russell) <LaurenRussell@tatp.com> wrote:

Hi Brian,

I'm not sure how up to speed you are on the Philips Taiwan/Brazil entities, but in a nutshell, we recently decided that we need to get them into the case because [REDACTED]

[REDACTED] They filed a motion to dismiss for lack of personal jurisdiction. We agreed to table the motion pending discovery. Now that we've decided to bring them in, we will have to oppose their personal jurisdiction motion. Do you have time to work on searching for and reviewing documents that could help us get personal jurisdiction over these entities? I'm copying Sylvie and John since they have both been involved this project (John has already found some relevant docs) and John also knows what else you guys are working on for the Philips depositions. I can get someone else to work with you on this, but I'd like someone more senior who is familiar with Philips and the database to take the lead. Please let me know asap if this is something you can work on. Thanks!

Lauren

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